1947. File No. Cotton cloth II/47

Legal DEPARTMENT
B BRANCH

Subject:— Rules and Notifications under the Bombay Cotton cloth Brokers Licensing Order 1947.

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KVY. 14/5.

Office of the R.L.A.

Subject to the following remarks, the proposed draft Bombay Cotton Cloth and Yarn Brokers Licensing Order 1947, as amended, is in order.

Preamble:- Instead of to sub-section (1) only, it is advisable to refer to section 3. As required by the Government of India, Department of Industries and Supplies Notification No. 73/1-TA-46, dated the 28th December 1946 the Civil Supplies Department should verify that the proposed Bombay Cotton Cloth and Yarn Brokers Licensing Order, 1947 is not repugnant to any order made under sub-section (1) of section 3 by the Central Government.

Clause 1:- From the definition of "broker" in clause 2(a) and clause 3 of the proposed order at pages 61-62 ante, it appears that bazar brokers in cotton cloth and yarn are required to take out a licence. If so, the title of the proposed orders should be "the Bombay Cotton Cloth and Yarn Brokers Licensing Order, 1947, "Clause 1 has been ameded accordingly and Civil Supplies Department should verify whether it is so intended.

Clause 2:- In the definition of "broker" for the word "cloth" the words "cotton cloth" have been substituted It is presumed that except the bazar brokers in cotton cloth and yarn, all other brokers, such as authorised brokers and guaranteed brokers of mills or mill brokers will be covered by the definition of "dealer" in clause 2(b) of the Bombay Cotton Cloth Trade Regulation Order, 1945.

In the definition of "Licensing Authority" in sub-clause (e) the expression "as constituted immediately before the 1st day of October 1945", has been deleted, since in the case of villages of the Bombay Suburban District which have been included in the Thana District, the District Magistrate, Thana, would be the licensing authority. The Civil Supplies Department should verify this.

Clauses 13 and 20:- The words "or a class of licenses" appear to be redundant and have been omitted. Civil Supplies Department should verify whether the omission

is in order.

Clause 24:- As the brokers are supposed to bring about a contracting mind between the parties, cotton cloth and yarn cannot belong to them. The words "belonging t to or" have therefore been deleted.

Clause 26:- This clause provides that the Provincial Government may make such rules as and when it deems necessary to regulate the business of brokers in handloom and powerloom cloth. If any further provisions by means of additional clauses of the order. Clause 26 has been deleted for the present.

for that purpose are deemed necessary to be made here after the proper way to make the requisite provision

Forms I, II and III:- A reference has been given to the Bombay Cotton Cloth and Yarn Brokers Licensing Order, 1947.

Sd/- D.V.Vyas,

Remembrancer of Legal Affairs.

U.R to C.S.D. No. 2924, dated the 26th March 1947.

EVY. 14/5.

Civil Supplies Department,
Bombay Castle, August 1947.

ORDER.

Essential Supplies (Temporary Powers) Act, 1946.

No. :- In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV) of 1946) read with the Government of India, Department of Industries and Supplies, Notification No. 73/1-TA/46, dated the 28th December 1946, the Government of Bombay is pleased to amend the Bombay Cotton Cloth Trade Regulation Order, 1945, as follows, namely:-

To sub-clause (ii) (a) of clause 6 of the said Order, the following shall be added, namely:-

"The licensing authority may, for reasons to be recorded in writing, refuse to recognise any change in partnership of a firm in whose name a licence has been issued under this Order."

By order of the Governor of Bombay,

Secretary to Government.

EVY. 14/5.

Office of the R.L.A.

The Civil Supplies Department should consider whether it would not be better to provide that a license granted to firm would stand revoked and should be surrendered in the event of any change in the partnership of the firm unless such change is approved by the licensing authority either in advance or within a stated period thereafter

Sd/- P.M.Kak.

Remembrancer of Legal Affairs.

U. B to C.S.D. No. 9428, dated the 23rd September 1947,

EVY. 14/5.